

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:11CR3022 |
| |) | |
| v. |) | |
| |) | MEMORANDUM AND ORDER |
| LEONARD R. ANDERSON, |) | |
| |) | |
| Defendant. |) | |

The defendant has pleaded guilty, and he is scheduled to be sentenced on August 25, 2011. He has been detained during the pendency of this case, but now requests temporary release from custody so he can be married. Filing No. [43](#).

The court conducted a hearing on the motion for temporary release. Counsel for the government and the defendant were present in the courtroom; the defendant participated by telephone. The court heard arguments from both attorneys and from the defendant himself.

As explained by defendant's counsel, defendant's fiancée is currently in state custody and will be released on August 22, 2011. She is being held in the Lancaster County Jail which does not permit inmate marriage ceremonies. Similarly, none of the federally contracted holding facilities for this defendant permit marriage ceremonies. Marriage ceremonies are not permitted in the Marshal's holding area at this courthouse, and a ceremony in the courtroom is not permitted due the safety concerns presented by contact between a defendant and a member of the public.

Therefore, if the defendant and his fiancée are to be married prior to defendant's sentencing, the defendant must be released from custody (furloughed) for at least a short period of time, and the ceremony must be held, if at all, between his fiancée's release from

state custody on August 22, 2011, and the defendant's sentencing scheduled for August 25, 2011 at 12:30 p.m.

The undersigned judge previously denied defendant's release because "[t]he defendant has a criminal history including violence (e.g., a murder conviction) and has threatened violence to an informant." Filing No. [19](#). Those facts, and the concerns they raise, remain true. In addition, the defendant's guilty plea has now been accepted and he is seeking release just prior to sentencing.

Based on the facts and argument's presented, the court finds the defendant continues to pose a risk of flight and a risk of harm to the public if he is released, and no conditions or combination of conditions of release will serve to sufficiently ameliorate those risks.

Accordingly,

IT IS ORDERED that defendant's motion for temporary release to be married, (filing no. [43](#)), is denied.

DATED this 11th day of August, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge